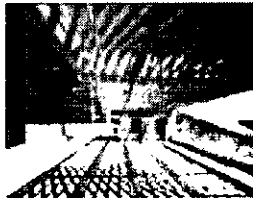
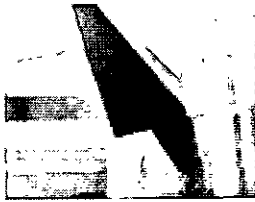


AGENDA

Thursday, February 11, 2010

The Austin City Council will convene at 10:00 AM on
Thursday, February 11, 2010 at Austin City Hall
301 W. Second Street, Austin, TX

AUSTIN CITY CLERK
POSTING: DATE/TIME
2010 FEB 5 PM 4 58



Mayor Lee Leffingwell
Mayor Pro Tem Mike Martinez
Council Member Chris Riley, Place 1
Council Member Randi Shade, Place 3
Council Member Laura Morrison, Place 4
Council Member William Spelman, Place 5
Council Member Sheryl Cole, Place 6

For meeting information, contact the City Clerk, 974-2210

The City Council will go into a closed session under Chapter 551 of the Texas Government Code to receive advice from legal counsel, to discuss matters of land acquisition, to discuss personnel matters, to discuss or take action on a "competitive matter" of Austin Energy as provided for under Section 551.086, or for other reasons permitted by law as specifically listed on this agenda. If necessary, the City Council may go into a closed session as permitted by law regarding any item on this agenda.

Reading and Action on Consent Agenda

Action on the Following:

Ordinances / Resolutions / Motions -

All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.

9:55 AM -- Invocation

Father Isidore, Pastor, St. Albert the Great Catholic Church

Approval of Minutes

1. Approve the Minutes of the Austin City Council regular meeting of February 4, 2010.

Contract and Land Management

2. Approve the negotiation and execution of a fee simple acquisition of a part of Lot Nos. Five (5), Six (6), Seven (7) and Eight (8), in Block No. Thirty-seven (37), in the City of Austin, Travis County, Texas, located at 707 E. 5th Street, for the Waller Creek Tunnel Project from KAY SHAPIRO, TRUSTEE OF THE MICHAEL SHAPIRO 1988 FAMILY TRUST, ET AL., in an amount not to exceed \$928,416. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.
3. Authorize negotiation and execution of an 84-month lease renewal for 8,000 square feet of office and warehouse space for the Vector Control Program of the Health and Human Services Department, located at 4122 Todd Lane, from THE ESTATE OF MINA S PARVEN, Austin, TX, in an amount not to exceed \$463,899.28. Funding in the amount of \$26,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding for the remaining lease term period is contingent upon available funding in future budgets.
4. Authorize negotiation and execution of a 12-month lease renewal of 2.52 acres of land and 3,000 square feet of office and warehouse improvements located at 5109 E. Ben White, from 5005 B.W. LP, for the Watershed Protection Department, Pond Maintenance Program, in an amount not to exceed \$55,000. Funding in the amount of \$53,250 is available in the Fiscal Year 2009-2010 Operating Budget of the Watershed Protection Department. Funding for the remaining contract period is contingent on available funding in future budgets.
5. Authorize execution of a construction contract with SOUTHWEST CORPORATION, Austin, TX, for the Austin Convention Center 3rd & 4th Level Connector in the amount of \$795,347, plus a \$39,767 contingency, for a total contract amount not to exceed \$835,114. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Convention Center Department. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 29.10% MBE and 3.67% WBE subcontractor participation.

6. Authorize negotiation and execution of an amendment to the professional services agreement with URBAN DESIGN GROUP (WBE/FW-64.59%), Austin, TX, for engineering services on the East 7th Street Corridor Improvements Project in the amount of \$473,290.57 for a total contract amount not to exceed \$1,575,027.73. Funding in the amount of \$249,015.84 is included in the Fiscal Year 2009-2010 Capital Budget of the Planning and Development Review Department. Funding in the amount of \$162,020.77 is included in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$62,253.96 is included in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. This contract will be awarded in compliance with Chapter 2-9B of the city Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 14.62% MBE and 14.36% WBE subcontractor participation to date. Briefings were presented to the Design Commission, Urban Transportation Commission, Land and Facilities Subcommittee, Water and Wastewater Commission, and the Parks and Recreation Board. To be reviewed by the Water and Wastewater Commission on February 10, 2010.
7. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP, Austin, Texas (MBE/MH - 36.44%) for Group 11 Reconstruction and Utility Adjustments for the Burleson Road Heights and Santa Monica Park Subdivisions Phase 2, an ACCELERATE AUSTIN PROJECT, in the amount of \$1,820,349.53 plus a \$91,017.48 contingency, for a total contract amount not to exceed \$1,911,367.01. Funding in the amount of \$1,282,664.52 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$628,702.49 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 49.35% MBE and 10.00% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

Government Relations

8. Approve a resolution adopting the City's Federal Legislative Program including Fiscal Year 2011 appropriations requests.

Parks and Recreation

9. Approve a resolution authorizing the Parks and Recreation Department's application for up to \$1,000,000 in grant funding from the Texas Parks and Wildlife Department's Urban Outdoor Recreation Grant Program to improve facilities and resources at Morris Williams Golf Course. The City will match 100% of all granted funds. Funding in the amount of \$1,000,000 for the grant match is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department.

Purchasing Office

10. Authorize award, negotiation, and execution of a 12-month requirements contract through the State of Texas, Department of Information Resources (DIR), with ORACLE USA, Austin, TX, for the purchase of the Oracle Utilities Mobility Workforce Management Real Time Scheduler software and software support services in an estimated amount not to exceed \$300,000, with three 12-month extension options in an estimated amount not to exceed \$55,000 per extension option, for a total estimated contract amount not to exceed \$465,000. Funding in the amount of \$300,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Electric Utility Commission.

11. Authorize award, negotiation, and execution of a 12-month requirements service contract with COMPUTER SCIENCE CORPORATION, Houston, TX, for the purchase of software technology implementation services and training in an estimated amount not to exceed \$1,800,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget for Austin Energy. Best evaluated proposal meeting requirements of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.50% MBE and 11.00% WBE subcontractor participation. Recommended by Electric Utility Commission.
12. Authorize award and execution of a contract with HARVEY-CLEARY BUILDERS, Austin, TX for the purchase and installation of a 2,500-ton chiller system at the Robert Mueller Energy Center in an amount not to exceed \$3,610,498. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Best evaluated bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 12.24% MBE and 2.36% WBE subcontractor participation. Recommended by the Electric Utility Commission.
13. Authorize award and execution of Amendment No. 3 to the contract with OPEN SYSTEMS INTERNATIONAL, INC., Minneapolis, MN, for the purchase of Generation Management System (GMS) software, technical services, annual maintenance and support, and implementation by increasing the current contract term authorization in an estimated amount not to exceed \$200,000, increase the two remaining extension options in an estimated amount not to exceed \$150,000 per extension option, and add three additional 12-month extension options in an estimated amount not to exceed \$150,000 per extension option, for a revised total estimated contract amount not to exceed \$2,095,227. Funding in the amount of \$200,000 is available in the Fiscal Year 2009-2010 Operating Budget for Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
14. Authorize award and execution of a contract with WATTHOUR ENGINEERING CO., INC., Pearl, MS, for the purchase of automated three-phase meter test systems in an amount not to exceed \$107,720. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

Solid Waste Services

15. Approve the execution of a restated and amended contract with Mid-America Recycling, L.L.C. dba Greenstar for the transport, processing, and sale of commingled recycling material for a 36-month term with estimated revenue of \$7,661,354 and estimated processing and transportation expenditures in an amount not to exceed \$14,782,935 and four (4) 6-month extension options related to the completion of the City's proposed single-stream material recovery facility, with estimated revenue of \$1,322,317 and estimated processing and transportation expenditures in an amount not to exceed \$2,640,319 per extension option, for a total contract not to exceed \$12,393,589. Funding is available in the Fiscal Year 2009 Operating Budget through an end of year accounting accrual and in the Fiscal Year 2010 Operating Budget of the Solid Waste Services Department. To be reviewed by the Solid Waste Advisory Commission on February 10, 2010.

Item(s) from Council

16. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
17. Approve an ordinance authorizing 96-hour sound amplification permits; waiving the requirements of City Code Section 9-2-24 related to permit duration; and declaring an emergency. (Council Member Randi Shade, Mayor Pro Tem Mike Martinez and Council Member Laura Morrison)
18. Approve an ordinance amending City Code Section 14-8-32, relating to temporary closures for a right-of-way event to create certain requirements for peace officer participation. (Council Member Randi Shade and Mayor Lee Leffingwell)
19. Approve a resolution directing the City Manager to identify means of reducing nitrous oxide, particulate, and greenhouse gas emissions associated with construction and demolition projects. (Council Member Chris Riley, Mayor Lee Leffingwell and Council Member William Spelman)
20. Approve the waiver of certain fees and requirements for the 2010 Hallmark Speakers Series event, Mommy's Coming Home: The Reintegration of Women Veterans to the Family, sponsored by the Young Women's Christian Association (YWCA) of Greater Austin which is to be held Friday, March 19, 2010 at the George Washington Carver Museum & Cultural Center. (Council Member Sheryl Cole, Mayor Lee Leffingwell and Council Member Laura Morrison)

Item(s) to Set Public Hearing(s)

21. Set a public hearing to consider an ordinance creating an economic development program for and authorizing the negotiation and execution of an Economic Development Agreement with LegalZoom.com, Inc. (Suggested date and time: February 18, 2010, 5:30 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
22. Set a public hearing to receive public comment on the City's spending priorities for affordable housing using General Obligation Bonds and federal funds. (Suggested date and time: February 25, 2010, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX).

10:30 AM -- Morning Briefings

23. Annual Update on the City of Austin and Lower Colorado River Authority Water Partnership
24. Staff presentation regarding an economic development proposal to create an economic development program for LegalZoom.com, Inc. (Public comment is permitted on this staff presentation)
25. Briefing on the East Riverside Corridor Master Plan by consultant A. Nelessen Associates, Inc.

12:00 PM -- Citizen Communications: General

Susana Almanza – Celebrate 18th anniversary of Tank Farm closure

Rae Nadler-Olenick - Water fluoridation

Robert L. Thomas – Labor and industrial relations at Rosewood Park and Recreation Center

Michelle Kimbrough – Travis County family treatment court

Gary Etie- TBD

Darlene Byrne – The Travis County family treatment drug court

Ronnie Reeferseed – Peace and freedom generally speaking

JD Horne - Contract and land management-item #9 from the February 4, 2010 meeting

Paul Robbins – City issues

Gus Peña – City issues

Executive Session

26. Discuss legal issues related to Cause No. D-1-GN-08-003669, Rodriguez Barr, Inc. d/b/a The Barr Company v. City of Austin, in the 201st Judicial District of Travis County, Texas. (Private Consultation with Attorney - Section 551.071).
27. Discuss legal issues related to Nona K. Allen v. City of Austin, GN-08-003418, 201st Judicial District, Travis County, Texas. (Private Consultation with Attorney - Section 551.071)

2:00 PM -- Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)

28. C14H-2009-0047 – Pace-Perry House – Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1403 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Don and Daphne Kuykendall. City Staff: Steve Sadowsky, 974-6454.

2:00 PM -- Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)

- 29 PH. C14-2009-0097 - 11505 Anderson Mill Road Rezone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11505 Anderson Mill Road (Bull Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Marvin and Elizabeth Henry. Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

- 30 PH. C14-2009-0107 - St. Vincent's dePaul Catholic Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9500 Nenah Avenue (Lake Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to multi-family residence-moderate high density (MF-4) district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Applicant: Catholic Diocese of Austin (W.M. Mulvey). Agent: Baker-Aicken & Associates. City Staff: Sherri Sirwaitis, 974-3057.
- 31 PH. C14-2009-0140 - Najib's .30 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 214 East Anderson Lane Service Road West Bound (Buttermilk Branch Watershed) from Community Commercial (GR) district zoning to Commercial-Liquor Sales-Conditional Overlay Combining (CS-1-CO) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay combining (CS-1-CO) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant/Owner: Najib F. Wehbe. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.
- 32 PH. C14-2009-0157 - Albert Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7201-7207 Albert Road and 1305-1407 Matthews Lane (South Boggy Creek; Williamson Creek Watersheds) from single family residence large lot-conditional overlay (SF-1-CO) combining district zoning to single family residence standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence standard lot-conditional overlay (SF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on February 16, 2010. Owner/Applicant: Stone Properties (Jacqueline P. Stone). Agent: Austin Civil Engineering, Inc. (Brent Hammond). City Staff: Wendy Rhoades, 974-7719.
- 33 PH. C14-2009-0158 - 7211 Albert Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7211 Albert Road (South Boggy Creek; Williamson Creek Watersheds) from development reserve (DR) district zoning to single family residence standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on February 16, 2010. Owner/Applicant: Chester C. Young. Agent: Damon Young. City Staff: Wendy Rhoades, 974-7719.

4:00 PM -- Public Hearings and Possible Actions

- 34 PH. Conduct a public hearing and consider an appeal by North University Neighborhood Planning Team regarding the decision to approve an Outdoor Music Venue Permit for Little Woodrow's, located at 2610 Guadalupe.
- 35 PH. Conduct a public hearing and consider an appeal by the River Bluff Neighborhood Association of a decision to approve an Outdoor Music Venue permit for Sustainable Waves, located at 4822 E. Cesar Chavez.
- 36 PH. Conduct a public hearing and consider an ordinance for floodplain variances requested by Mr. Richard Suttle of Armbrust and Brown, LLP, on behalf of Stubb's Austin Restaurant Co., L.C., to validate existing development in the form of various buildings and structures at the existing business known as Stubb's, 801 Red River Street. Portions of the property including areas where unpermitted development has occurred are within the 25-year and 100-year floodplains of Waller Creek. There is no unanticipated fiscal impact.

5:30 PM -- Live Music

Austin Lounge Lizards

5:30 PM -- Proclamations

Proclamation -- Austin Energy Regional Science Festival -- to be presented by Mayor Lee Leffingwell and to be accepted by Russell Cowen

Proclamation -- Take Heart Austin -- to be presented by Mayor Lee Leffingwell and to be accepted by Dr. Paul Hinchey, EMS


Proclamation -- Engineering Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Rick McMaster


Proclamation -- International Mother Language Day -- to be presented by Council Member Randi Shade and to be accepted by Sadia Banu

Proclamation -- Austin Film Society -- to be presented by Council Member Laura Morrison and to be accepted by Rebecca Campbell

Proclamation -- Dental Health Month -- to be presented by a Council Member and to be accepted by Earl Maxwell

Adjourn

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 *For assistance please call 974-2210 OR 974-2445 TDD.*

A person may request a Spanish language interpreter be made available by contacting the Office of the City Clerk not later than twenty-four hours before the scheduled time of the item on which the person wishes to speak. Please call 974-2210 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.